

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	CASE NO. 16-35803–H2-13
	§	
EINACIO OLIVO	§	CHAPTER 13
GREGORIO OLIVO	§	
	§	
DEBTORS	§	

**CHAPTER 13 TRUSTEE’S MOTION TO REFORM ORDER CONFIRMING
CHAPTER 13 PLAN & VALUING COLLATERAL AT DOC. NO. 45**

NOTICE PURSUANT TO LOCAL RULE 9013

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THIS MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS MOTION WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

COMES NOW, DAVID G. PEAKE, Chapter 13 Trustee, and files this Motion to Reform the Confirmation Order, pursuant to Rule 59 of the Federal Rules of Civil Procedure, for the following reasons and upon the following grounds:

1. On February 15, 2017, the Court entered the Order Confirming Chapter 13 Plan and Valuing Collateral (Doc. No. 45).
2. In addition to the standard language already included in the confirmation order, the Trustee believes that the order should have included a paragraph in regards to

a potential non-exempt recovery in a cause of action on Debtors' schedule B, specifically:

In addition to the monthly payments called for under the plan, the Debtor(s) shall contribute all non-exempt proceeds from the cause(s) of action described on Schedule B into the Chapter 13 plan for distribution to the unsecured creditors.

3. Based on the foregoing, the Trustee moves the Court to reform the February 15, 2017, Order (Doc. No. 45) to include the attached order.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that the Court reform the February 15, 2017 Order Confirming Chapter 13 Plan and Valuing Collateral (Doc. No. 45). The Trustee further prays for any other relief as he may show himself or the debtor's estate justly entitled.

Date: February 27, 2017

Respectfully Submitted,

/s/ Sonya Kapp
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ATTORNEY FOR CHAPTER 13 TRUSTEE
DAVID G. PEAKE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion was mailed this 27th day of February 2017 by U.S. Mail and/or served electronically to all parties in interest.

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Also, see mailing matrix.

/s/ Sonya Kapp
Sonya Kapp